

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

V.

UPMC and its subsidiary UPMC
PRESBYTERIAN SHADYSIDE,
Single Employer, d/b/a UPMC
PRESBYTERIAN HOSPITAL and
d/b/a UPMC SHADYSIDE
HOSPITAL

Respondent,

and

SEIU HEALTHCARE PENNSYLVANIA,
CTW, CLC,

Proposed Intervenor.

PARTIALLY LY UNOPPOSED MOTION FOR LEAVE TO INTERVENE
ON BEHALF OF SEIU HEALTHCARE PENNSYLVANIA

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC (“SEIU Healthcare PA” or “Union”) files this motion for leave to intervene in these proceedings pursuant to Fed. R. App. P. 15(d) and Circuit Rule 15(b). SEIU Healthcare PA is

the Petitioner in the lead case, Case No. 18-1237, *Service Employees International Union Healthcare Pennsylvania, CTW, CLC v. National Labor Relations Board*, with which the instant three cases have been consolidated, and seeks leave to intervene in the instant cases to preserve all rights. In support of this motion, SEIU Healthcare PA states as follows:

1. On December 13, 2018, the National Labor Relations Board (“NLRB”) filed an Application for Enforcement in Case No. 18-1332, seeking to enforce the Order issued against Respondent UPMC and its subsidiary UPMC Presbyterian Shadyside, single employer, d/b/a UPMC Presbyterian Hospital, and d/b/a UPMC Shadyside Hospital (“Respondent UPMC”) on December 11, 2017 in Board Case Nos. 06-CA-102465, 06-CA-102494, 06-CA-102516, 06-CA-102518, 06-CA-102525, 06-CA-102534, 06-CA-102540, 06-CA-102542, 06-CA-102544, 06-CA-102555, 06-CA-102559, 06-CA-104090, 06-CA-104104, 06-CA-106636, 06-CA-107127, 06-CA-107431, 06-CA-107532, 06-CA-107896, 06-CA-108547, 06-CA-111578, 06-CA-115826, reported at 365 NLRB No. 153.

2. On December 13, 2018, the NLRB filed an Application for Enforcement in Case No. 18-1333, seeking to enforce the Order issued against Respondent UPMC on August 27, 2018 in Board Case Nos. 06-CA-102465, 06-CA-102494, 06-CA-102516, 06-CA-102518, 06-CA-102525, 06-CA-102534, 06-CA-102540, 06-CA-102542, 06-CA-102544, 06-CA-102555, 06-CA-102559, 06-

CA-104090, 06-CA-104104, 06-CA-106636, 06-CA-107127, 06-CA-107431, 06-CA-107532, 06-CA-107896, 06-CA-108547, 06-CA-111578, 06-CA-115826, reported at 366 NLRB No. 185.

3. On or about December 14, 2018 UPMC and its subsidiary UPMC Presbyterian Shadyside, Single Employer, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital (“Petitioner UPMC”) filed a Petition for Review in Case No. 18-1334 of the Decisions and Orders of the NLRB issued against Petitioner UPMC on August 27, 2018 in Board Case Nos. 06-CA-102465, 06-CA-102494, 06-CA-102516, 06-CA-102518, 06-CA-102525, 06-CA-102534, 06-CA-102540, 06-CA-102542, 06-CA-102544, 06-CA-102555, 06-CA-102559, 06-CA-104090, 06-CA-104104, 06-CA-106636, 06-CA-107127, 06-CA-107431, 06-CA-107532, 06-CA-107896, 06-CA-108547, 06-CA-111578, 06-CA-115826, reported at 366 NLRB No. 185, as well as the Board Order Denying Motion for Full Board Reconsideration entered in the same matter on December 11, 2018.

4. As the Charging Party in each of the Board cases below, SEIU Healthcare PA has an interest in these proceedings and there are grounds for intervention.

5. SEIU Healthcare PA is the Petitioner in the lead case, Case No. 18-1237, *Service Employees International Union Healthcare Pennsylvania, CTW, CLC v. National Labor Relations Board*, with which Case Nos. 18-1332, 18-1333,

and 18-1334 have been consolidated. All the cases involve the same NLRB cases and the same Orders of the NLRB, and SEIU Healthcare PA was the Charging Party in each case.

6. SEIU Healthcare PA participated in all aspects of the unfair labor practice proceedings before the NLRB in this matter. It initiated the unfair labor practice cases and assisted the NLRB in its investigation of the charges and participated fully in the unfair labor practice hearings before the administrative law judge. It filed briefs in the litigation before the Board. SEIU Healthcare PA continues to have an active interest in protecting the rights of the discriminatees who are employees or former employees of Respondent UPMC. SEIU Healthcare PA has a further interest in ensuring that Respondent UPMC's unlawful conduct is properly remedied, in order to avoid the chilling effect on other employees' support for the Union and their willingness to engage in protected concerted activities.

7. Counsel for the NLRB has no objection to this Motion to Intervene.

8. Despite having been contacted on January 3 and 4, 2019, Counsel for UPMC has not stated whether or not it will oppose to this Motion.

9. Because it is the Petitioner in the lead case, the participation of SEIU Healthcare PA in each of the three other consolidated cases will serve the interests

of judicial economy and efficiency and will not delay the course of these proceedings.

10. SEIU Healthcare PA files its Rule 26.1 Disclosure Statement as Exhibit A to this Motion.

Wherefore, SEIU Healthcare PA prays this Court grant its motion for leave to intervene.

Dated: January 7, 2019

Respectfully submitted,

/s/ Elizabeth (Betty) Grdina

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CERTIFICATE OF SERVICE

I, one of the attorneys for Intervenor Service Employees International Union Healthcare Pennsylvania, CTW, CLC, hereby certify that that on this 7th day of January 2019, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users, or if they are not, by serving a true and correct copy at the address listed below:

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